

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOWER MANHATTAN DIALYSIS CENTER, INC.,
L-M DIALYSIS CORPORATION, LANTZ-MATALON
CHINATOWN ASSOCIATES, INC., and CHINATOWN
DIALYSIS CENTER, L.L.C.,

Plaintiffs,

07 Civ. 06903 (DLC)

- against -

JOHN P. LANTZ, M.D. and MARIE LANTZ,

Defendants.

DECLARATION OF BERNARD BEITEL

Pursuant to 28 U.S.C. § 1746, Bernard Beitel, declares under penalty of perjury:

1. I am Of Counsel at the firm of Otterbourg, Steindler, Houston & Rosen, P.C., the attorneys for the Plaintiffs in the within action, LOWER MANHATTAN DIALYSIS CENTER, INC., L-M DIALYSIS CORPORATION, LANTZ-MATALON CHINATOWN ASSOCIATES, INC. and CHINATOWN DIALYSIS CENTER, L.L.C. I am fully familiar with the facts set forth herein, and make this declaration in support of the Plaintiffs' motion to remand the within action to the Supreme Court of the State of New York, New York County.

2. Annexed hereto as Exhibit "A" is copy of Defendants' Notice of Removal, dated August 1, 2007.

3. Annexed hereto as Exhibit "B" is copy of the Complaint in the within action.

3. Annexed hereto as Exhibit "C" is copy of my letter dated August 6, 2007 addressed to counsel for the Defendants.

4. Annexed hereto as Exhibit "D" is copy of the ensuing correspondence between counsel for Defendants and counsel for Plaintiffs -- a letter from counsel for Defendants, dated August 7, 2007, a letter from counsel for Defendants, dated August 13, 2007 and an e-mail to Defendants' Counsel from me, dated August 13, 2007.

5. Annexed hereto as Exhibit "E" is the Affidavit of Dang Dung Nguyen, M.D., duly sworn to August 16, 2007.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 16th day of August, 2007, at New York, New York.



Bernard Beitel

A handwritten signature in black ink, appearing to read "Bernard Beitel". It is written in a cursive style with a long horizontal stroke extending to the right.